

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Numbering Resource Optimization)	
)	
South Bay Cities Council of)	CC Docket No. 99-200
Governments, <i>et al.</i> Petition for)	
Emergency Relief of the California)	
Public Utilities Commission's Decision)	DA 05-3158
To Implement an All Services Area Code)	
Overlay in the 310 Area Code)	

REPLY COMMENTS OF CTIA – THE WIRELESS ASSOCIATION®

CTIA – The Wireless Association® (“CTIA”)¹ submits these reply comments in response to comments filed in opposition to the Petition for Emergency Relief (“Petition”) filed by the South Bay Cities Council of Governments and The Telephone Connection of Los Angeles, Inc. and The Telephone Connection Local Services, LLC (collectively, the “Petitioners”).² For the reasons set forth in this reply, the Commission should deny the Petitioners’ request to direct the California Public Utilities Commission (“CPUC”) to stay implementation of the CPUC’s decision to implement an all-services

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS and ESMR, as well as providers and manufacturers of wireless data services and products.

² South Bay Cities Council of Governments, *et al.*, *Petition for Emergency Relief*, CC Dkt. 96-98 (Nov. 23, 2005) (“Petition”); *see also* Wireline Competition Bureau Seeks Comment of South Bay Cities Council of Governments, *et al.*, *Petition for Emergency Relief of the California Public Utilities Commission’s Decision to Implement an All-Services Area Code Overlay in the 310 Area Code*, *Public Notice*, CC Dkt. 99-200, DA 05-3158 (Dec. 8, 2005).

area code overlay (“*Overlay Plan*”) in the 310 Numbering Plan Area (“NPA”).³ CTIA opposes the Petition because any delay in the implementation of the *Overlay Plan* will undoubtedly result in exhaust of numbering resources and cause irreparable harm to consumers and carriers alike.

STAY OF THE CPUC OVERLAY DECISION IS NOT JUSTIFIED

The parties submitting comments on the Petition oppose any delay in the implementation of the *Overlay Plan*.⁴ Without exception, the wireless carriers filing comments urge the Commission to deny the Petitioners’ request because the 310 NPA is in crisis: current numbering resources cannot meet the needs of existing carriers and their customers and a stay of the critically needed relief plan for the 310 area code will lead to complete exhaust of the 310 NPA, causing substantial harm to consumers and businesses in the Los Angeles area.⁵

The lack of available telephone numbers has a chilling effect on competition. It penalizes the carriers who are the most successful in attracting new customers; prevents consumers and businesses from selecting the service provider of their choice; imposes unnecessary charges on wireline customers who call wireless numbers outside of their rate center; it impedes existing carriers from offering attractively priced new service options; and it bars new telecommunications providers from providing service in the 310

³ Petition at 1, 11.

⁴ See Comments of T-Mobile, Cingular Wireless and AT&T Inc., CC Dkt. 99-200 (Dec. 23, 2005) (“Joint Telecommunications Carriers Comments”); Comments of Verizon Wireless, CC Dkt. 99-200 (Dec. 23, 2005) (“Verizon Wireless Comments”); Comments of Sprint Nextel Corporation, CC Dkt. 99-200 (Dec. 22, 2005) (“Sprint Nextel Comments”).

⁵ See Joint Telecommunications Carriers Comments at 3-5; Verizon Wireless Comments at 6-8; Sprint Nextel Comments at 3-5.

NPA.⁶ Moreover, carriers have commenced the CPUC-ordered consumer education and outreach to inform the public of the changes to their service associated with the scheduled overlay, and carriers have begun the process of reprogramming switches and upgrading their networks to support the scheduled overlay. A stay would confuse consumers and stall carriers' implementation efforts.

Petitioners challenge the CPUC's *Overlay Plan* and claim that the CPUC's adoption of a 1+10-digit dialing pattern in the *Overlay Decision* is a violation of the FCC's numbering rules and guidelines.⁷ While CTIA strongly supports strict enforcement of the Commission's nondiscrimination rules and guidelines for numbering, the Petitioners are mistaken in their belief that the 1+10 dialing they object to was established in the *Overlay Decision*. In fact, the 1+10 dialing protocol has been in place for years and is the result of the way the CPUC and the incumbent local exchange carriers (ILECs) chose to implement interchangeable NPA/NXXs.⁸ The *Overlay Plan* merely maintains the status quo and does not mandate 1+10-digit dialing for any type of

⁶ *Id.*

⁷ *Petition* at 3; Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service; Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service, Rulemaking 95-04-043, Investigation 95-04-044, Opinion Granting Petition to Modify Decision 00-09-073, Decision 05-08-040 (Aug. 25, 2005) ("*Overlay Decision*").

⁸ When the industry began using area codes without a "0" or "1" as the middle digit, ILECs decided to reprogram their networks to require callers to dial the prefix "1" before the area code to address the issue of "conflict codes" (i.e., area codes and prefix codes assigned the same digits). The other option for carriers was to program a call timing delay of four to eight seconds to allow the completion of the call during the Permissive Dialing Period. See Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service; Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service, Rulemaking 95-04-043, Investigation 95-04-044, Opinion Granting Petition to Modify Decision 00-09-073, Decision 05-12-047 at 12 (Dec. 15, 2005) ("*CPUC Opinion on Modification*"). See also Sprint Nextel Comments at 5.

provider, whether wireline or wireless. Instead, because the wireline network in California is currently configured to require callers to dial “1” prior to any 10-digit telephone number, the *Overlay Plan* simply expands legacy 1+10 dialing to customers in the 310 area code.

Because wireless carriers’ switches are free of the technical constraints that necessitate the 1+ prompt for ILECs’ networks,⁹ calls on the wireless network can be completed by dialing only 10 digits. However, calls originated on wireless networks also can be completed by 1+10-digit dialing, and the consumer education efforts now underway instruct consumers in the 310 area code to use 1+10 dialing for all calls. In fact, the CPUC’s Public Education Program (PEP) instructs customers to maintain current 1+10 dialing patterns without the need to distinguish between wireline versus wireless calling procedures.¹⁰

The optional dialing configuration on wireless networks is independent of the *Overlay Plan* and the CPUC’s decision to order area code relief.¹¹ In many ways, this is similar to the option provided wireline customers in many parts of the country who were able to complete calls within their rate centers using four and five digit abbreviated dialing long after the mid 1960’s when the PSTN was upgraded to support ten digit NANP numbers and Direct Distance Dialing (“DDD”). A carrier’s provision of

⁹ See *Overlay Decision* at 48-49; Verizon Wireless Comments at 10; Response of the California Public Utilities Commission and the People of the State of California, CC Dkt. 99-200, at sec. III, D. (Dec. 23, 2005) (“CPUC Response”).

¹⁰ See *CPUC Opinion on Modification* at 11, 16.

¹¹ See Joint Telecommunications Carriers Comments at 7.

abbreviated dialing *in addition to* supporting calls dialed using seven and ten digits is not discriminatory.

In short, implementation of the *Overlay Plan* is not the cause of the harms Petitioners claim justify a stay. Faced with the immediate threat of an unprecedented full exhaust of the 310 NPA, CTIA urges the Commission to deny the Petition and allow implementation of the 310 overlay to proceed on schedule. Although, the CPUC declined to adopt modification of the 1+10-digit dialing pattern for the 310 NPA overlay at this time, the underlying statewide area code proceeding remains open at the CPUC. Petitioners may still pursue the option of 10-digit dialing for future overlays in California including revision of the dialing requirements applicable to the 310/424 area code overlay.¹² Accordingly, the Commission should deny the Petitioners' request to direct the CPUC to stay implementation of its decision to implement an all-services area code overlay in the 310 NPA, and allow the carrier implementation and consumer education efforts that already are underway to proceed on the schedule established by the CPUC.

¹² See *CPUC Opinion on Modification* at 14.

CONCLUSION

For the foregoing reasons, CTIA respectfully requests that the Commission deny the Petition for Emergency Relief and allow the 310 overlay to be implemented in accordance with the CPUC *Overlay Decision*.

Respectfully submitted,

CTIA - THE WIRELESS ASSOCIATION®

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CERTIFICATE OF SERVICE

I, Marlea Leary, hereby certify that, on this 5th day of January, 2006, a copy of the foregoing “Reply Comments of CTIA-The Wireless Association®” in CC Docket No. 96-98 was served on counsel for Petitioners listed below by first class mail and by electronic mail.

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